

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY  
COURT NO. 17

NANCY GLORIOSO  
Plaintiff Below,  
APPELLANT

VS

LEILA PRICE  
Defendant Below,  
APPELLEE

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C.A. No. JP17-20-003314

TRIAL DE NOVO

Submitted: April 22, 2021  
Decided: April 27, 2021

**APPEARANCES:**

Nancy Glorioso appeared pro se.  
The defendant did not appear.

Richard D. Comly, Justice of the Peace  
William P. Wood, Justice of the Peace  
John C. Martin, Senior Justice of the Peace

Martin for the Court

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY  
COURT NO. 17

CIVIL ACTION NO: JP17-20-003314

NANCY GLORIOSO VS LEILA PRICE

AMENDED  
ORDER ON TRIAL DE NOVO

The Court has entered a judgment or order in the following form:

On August 5, 2020, the plaintiff filed this action seeking to recover unpaid rent and possession of the property located at 10 Love Creek Drive, Lewes, Delaware, 19958. On March 26, 2021 trial was held and the case was dismissed without prejudice. On April 5, 2021 the Plaintiff filed a timely appeal of this decision pursuant to 25 Delaware Code Section 5717. This is the decision of the Three Judge Panel hearing the appeal as a Trial de Novo.

The plaintiff testified that the defendant was his tenant. The monthly rent was \$1,200.00. Mediation was attempted in this case but the defendant would not cooperate. As of the date of the Panel trial, the defendant owed the plaintiff \$11,870.00 in unpaid rent.

Considering the evidence presented, the Court enters Default judgment on behalf of the plaintiff and against the defendant in the amount of \$11,870.00 plus court costs of \$105.00 and post judgment interest at the legal rate of 5.25% per annum. Per diem rent of \$40.00 is awarded to the plaintiff from April 23, 2021 to the date of actual possession.

The Court also finds that it is in the interest of justice to award the plaintiff possession of the rental property upon proper application due to the length of time rent has not been paid and the defendant's lack of cooperation in the mediation process.

IT IS SO ORDERED 27th day of April, 2021



John C. Martin  
Senior Justice of the Peace



Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY  
COURT NO. 17**

**COURT ADDRESS:  
23730 SHORTLY ROAD  
GEORGETOWN DE 19947**

**CIVIL ACTION NO:  
JP17-20-003314**

**NANCY GLORIOSO, PLAINTIFF  
VS  
LEILA PRICE, DEFENDANT**

**Plaintiff Parties:**  
PLAINTIFF  
SYSTEM ID: @2762342  
NANCY GLORIOSO  
32298 MARINERS WAY  
MILLSBORO, DE 19966

**Defendant Parties:**  
DEFENDANT  
SYSTEM ID: @3305472  
LEILA PRICE  
10 LOVE CREEK DRIVE  
LEWES, DE 19958

**Other Case Parties:**

**JUSTICE OF THE PEACE COURT  
CIVIL POST- JUDGMENT PROCEDURES  
THREE JUDGE PANEL**

*[This information is not legal advice and not a substitute for seeking legal advice from an attorney. This information is not binding on the court if incorrect or misunderstood. It relates to frequently asked questions concerning post-judgment procedures but does not address all of the possible procedures and may not apply in your particular case. Forms for these procedures may be obtained from any Justice of the Peace Court civil location. All motions must include the name of the court, the names of the parties, the case number, the date the motion is filed with the Justice of the Peace Court and a title indicating the reason for the motion. Court costs or fees must accompany the motion, unless the person has requested, and the court determined, that the person may proceed in forma pauperis (without paying costs or fees or posting bond because they have no money to pay).]*

**All payments should be made directly to the prevailing party. The Court does not accept payment on judgments.**

**Pursuant to 10 Del. C. § 9567(b), prevailing parties are reminded of their duty to file a satisfaction of the judgment within 90 days of payment in full.**

**FAILURE OF A PARTY TO APPEAR FOR THE PANEL TRIAL**

As provided by Justice of the Peace Civil Rule 72.1(f), if the Appellant (the party who requested the appeal trial) or both parties fail to appear for the trial, the judgment of the court below shall stand unless the Appellee appears and has filed a counterclaim.

If the Appellee (the party against whom the appeal was taken) fails to appear and a DEFAULT JUDGMENT is entered, that party may file a Motion To Vacate the judgment pursuant to Justice of the Peace Civil Rule 60. The Motion must show; (1) the Appellee's failure to appear was the result of actions of a reasonably prudent person; and (2) the outcome would be different if the trial were held; and (3) the party that appeared would not be prejudiced by having the trial. The Motion must be filed within 10 days, starting the day after the judgment was signed by the De Novo Panel. **A FEE OF \$15.00 MUST ACCOMPANY THIS MOTION.**

**MOTION FOR A NEW TRIAL**

Either party has 10 days, starting the day after the judgment was signed by a Judge, to file a Motion For A New Trial as provided under Justice of the Peace Court Civil Rule 59. This Motion shall be in writing and shall briefly and succinctly state the reasons for the request. A Motion For A New Trial will be heard by the Panel of Judges who originally heard the case. The reasons for which a new trial may be granted are limited. For example, the reason given for requesting a new trial may be newly discovered evidence. However, for the Panel to grant a motion for a new trial based upon newly discovered evidence, the party requesting the new trial must show all of the following: (1) the newly discovered evidence is important enough to change the result in the case; (2) the evidence could not have been discovered prior to the original trial with reasonable investigation; and (3) the evidence does not merely repeat or dispute evidence presented in the original trial. **A FEE OF \$15.00 MUST ACCOMPANY THIS MOTION.**